

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL ALEXANDER  
FRIEDMANN,

CASE NO. C23-5770 BHS  
ORDER

Plaintiff,

V.

MULTICARE HEALTH SYSTEMS  
INC,

Defendant.

THIS MATTER is before the Court on Magistrate Judge Theresa L. Fricke's Report and Recommendation (R&R), Dkt. 4, recommending the Court deny pro se plaintiff Michael Friedmann's application for leave to proceed *in forma pauperis*, Dkt. 1, and dismiss Friedmann's complaint without prejudice for failure to state a claim, for failure to comply with the Court's Order, Dkt. 3, and for failure to file an amended complaint. Friedmann has not objected to the R&R.

A district court “shall make a de novo determination of those portions of the report or specified proposed finding or recommendations *to which objection is made.*” 28 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute

1 makes it clear that the district judge must review the magistrate judge's findings and  
2 recommendations de novo *if objection is made*, but not otherwise." *United States v.*  
3 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires  
4 "specific written objections to the proposed findings and recommendations" in the R&R.  
5 Fed. R. Civ. P. 72(b)(2).

6 The R&R is **ADOPTED**. Friedmann's motion for leave to proceed *in forma*  
7 *pauperis* is **DENIED**, and this matter is **DISMISSED without prejudice and without**  
8 **leave to amend**, for failure to prosecute. The Court will not permit Friedmann to proceed  
9 *in forma pauperis* in the event of an appeal.

10 The Clerk shall enter a **JUDGMENT** and close the case.

11 Dated this 7th day of December, 2023.

12  
13   
14 

---

BENJAMIN H. SETTLE  
United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22